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Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Sixty-sixth year

Report of the International Tribunal for the Former Yugoslavia

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council the eighteenth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of the statute of the Tribunal (see S/25704 and Corr.1, annex), which states that:

> The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly.

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Letter of Transmittal

31 July 2011

Excellencies,

I have the honour to submit the eighteenth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, dated 31 July 2011, to the General Assembly and the Security Council, pursuant to article 34 of the statute of the International Tribunal.

Please accept, Excellencies, the assurances of my highest consideration.

(*Signed*) Patrick **Robinson**
President

President of the General Assembly
United Nations
New York

President of the Security Council
United Nations
New York

Eighteenth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991

Summary

The eighteenth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 covers the period from 1 August 2010 to 31 July 2011.

The Tribunal continued to focus upon the completion of all trials and appeals. At the close of the reporting period, 16 persons are in appeal proceedings, 14 persons are on trial, and 5 are at the pretrial stage. The Trial Chambers delivered judgements in the *Gotovina et al.* and *Đorđević* cases. The Appeals Chamber delivered one Judgement on review in the *Šljivančanin* case and one appeal Judgement in the *Hartmann* case.

President Patrick Robinson (Jamaica); Vice-President O-Gon Kwon (Republic of Korea); the Prosecutor, Serge Brammertz; and the Registrar, John Hocking, continued to fulfil their duties at the Tribunal.

The Office of the Prosecutor made progress towards the completion of the Tribunal's mandate at both the trial and appellate levels. The Office of the Prosecutor continued to further develop interaction with the authorities of the States of the former Yugoslavia to encourage cooperation with the Tribunal and support domestic war crimes prosecutions.

Under the authority of the President, the Registry continued to play a crucial role in the provision of administrative and judicial support to the Tribunal. The Immediate Office of the Registrar coordinated the work of the various Registry sections and dealt with a vast range of legal, policy and operational matters, including the practical arrangements necessary for the commencement of the International Residual Mechanism for Criminal Tribunals and the enhancement of the capacity for the enforcement of sentences imposed by the Tribunal. The Communications Service carried out a diverse range of activities with a view to increasing the profile of the Tribunal and bringing its judgements to the relevant communities. The Court Management and Support Services Section supported 10 cases at trial, five cases on appeal, and four contempt cases. The Conference and Language Services Section continued to provide interpretation, translation, and court reporting services of the highest quality in the working languages of the Tribunal, as well as the Bosnian/Croatian/Serbian, Macedonian and Albanian languages. The Victims and Witnesses Section facilitated and supported close to 500 witnesses travelling to The Hague to give evidence. The Office for Legal Aid and Detention Matters serviced multiple defence teams in cases in pretrial, trial and appellate proceedings, as well as amici curiae appointed by Chambers, and provided facilities to self-represented accused in cooperation with other sections of the Registry. The United Nations Detention Unit continued to operate at a high level of activity and provided the highest levels of security and custodial care to all detained persons. The Division of Administration coordinated the preparation of the revised budget estimates for the biennium 2010-2011 and the proposed budget for the biennium 2012-2013, was

heavily involved in the formulation of the first budget of the International Residual Mechanism for Criminal Tribunals, remained actively engaged in the implementation of the downsizing and comparative review process, and worked closely with staff representatives in the implementation of the second comparative review exercise.

All organs of the Tribunal faced significant challenges during the reporting period in meeting the objectives of the completion strategy owing to the devastating impact of staff attrition. In response, the President urged the Security Council to take measures to help the Tribunal to find practicable solutions to address this issue as the Tribunal approaches the completion of its work.

To date, the Tribunal has concluded proceedings against 126 of the 161 persons indicted by the Tribunal. The report that follows details the activities of the Tribunal during the reporting period and demonstrates the Tribunal's focus on its goal of completing its proceedings as soon as possible, without sacrificing due process.

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I. Introduction

1. The eighteenth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 outlines the activities of the Tribunal for the period from 1 August 2010 to 31 July 2011.

2. During the reporting period, the Tribunal continued to implement its completion strategy endorsed by the Security Council in resolution 1503 (2003). The Tribunal continued to focus on the completion of all trials and appeals. At the close of the reporting period, 16 persons are in appeal proceedings, 14 persons are on trial, and 5 are at the pretrial stage. The Trial Chambers delivered Judgements in the *Gotovina et al.* and *Đorđević* cases. The Appeals Chamber delivered one Judgement on review in the *Šljivančanin* case and one appeal Judgement in the *Hartmann* case. To date, the Tribunal has concluded proceedings against 126 of the 161 persons indicted by the Tribunal.

3. President Patrick Robinson (Jamaica); Vice-President O-Gon Kwon (Republic of Korea); the Prosecutor, Serge Brammertz; and the Registrar, John Hocking, continued to fulfil their duties at the Tribunal.

4. Measures were taken during the reporting period to reform the Tribunal's procedures in order to maximize efficiency.

5. The pace of the Tribunal's trials and appeals continued to be affected by staffing shortages and the loss of highly experienced staff members. Despite resolutions by the General Assembly and the Security Council on the issue of staff retention, this problem persists. In response, the President urged the Security Council to take measures to help the Tribunal to find practicable solutions to address this issue as the Tribunal approaches the completion of its work. Without practical and effective staff retention measures, the estimates for the completion of the core work of the Tribunal may have to be revised.

II. Activities involving the entire Tribunal

A. President

6. President Robinson continued to focus his efforts on the core functions of the Tribunal — trial and appeals. He also instituted internal reforms, pursued capacity-building and legacy projects, conducted diplomatic relations, and carried out the judicial responsibilities of the Office of the President.

1. Internal reforms

7. The Tribunal amended rule 94 (B) in order to clarify the law pertaining to the judicial notice of adjudicated facts, in order to ensure efficient use of the Rules by the parties to the proceedings.

8. During the last reporting period, the President reconstituted the Working Group on Speeding Up Trials to undertake a third review of the Tribunal's practices in order to assess whether further improvements could be implemented into the work of the Chambers. The Working Group submitted its report on 21 May 2010

and recommended a number of reforms to the Tribunal's procedures. On 7 June 2010, the Judges adopted those recommendations and decided to integrate them into the ongoing proceedings. During this reporting period, the Judges continued to implement the recommendations of the Working Group into their proceedings.

9. A new, more empirical methodology has been applied to appeal projections, the aim of which is to generate timelines for appeals that, it is hoped, will largely remain the same until the end of the work of the Tribunal. Moreover, the Appeals Chamber has implemented a number of reforms of its working methodology in order to augment the efficiency of its proceedings, including the limitation of amendments to grounds of appeal, the organization of Judgement drafting, and the prioritization of work.

2. Capacity-building and legacy

10. The President continued to advance the capacity-building of national jurisdictions as a priority of the Tribunal's legacy strategy. On 28 September 2010, the Tribunal, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, and the United Nations Interregional Crime and Justice Research Institute officially launched the joint 18-month "War Crimes Justice Project" in Belgrade. Encouraged by the fruitful outcome of the Tribunal's conference "Assessing the Legacy of the ICTY", which explored aspects of the Tribunal's legacy, particularly in the former Yugoslavia, the Tribunal will convene a second conference on 15 and 16 November 2011, concentrating on the Tribunal's global legacy. The Tribunal is also preparing for the establishment of information centres under local ownership in the former Yugoslavia.

3. Diplomatic relations

11. President Robinson was actively involved in cooperation, outreach and reporting activities to secure support for the Tribunal's work and increase its international profile.

12. On 1 September 2010, the President welcomed a group of judges and prosecutors from Serbia on a three-day study visit to the Tribunal. The visit was part of the Tribunal's ongoing efforts to strengthen cooperation and knowledge-sharing with members of the judiciary in the former Yugoslavia. President Robinson and other Tribunal Judges met with the visiting members of the Serbian judiciary to discuss topics including witness protection, plea bargaining, sentencing practice, case management, the appeals process, and legal standards in war crimes adjudication.

13. On 28 September, the President launched the "War Crimes Justice Project" in Belgrade to facilitate transfer of the Tribunal's unique institutional knowledge and specialized skills to jurisdictions in the region and ensure that those jurisdictions have access to the Tribunal's materials in a useable format.

14. On 8 October, the President addressed the General Assembly regarding the Tribunal's seventeenth annual report (A/65/205-S/2010/413).

15. On 6 December, the President addressed the Security Council regarding the fourteenth report of the Tribunal on its completion strategy (S/2010/588).

16. On 6 June 2011, the President addressed the Security Council regarding the fifteenth report of the Tribunal on its completion strategy (S/2011/316).

17. On 21 and 22 June 2011, President Robinson and the Registrar, John Hocking, attended a two-day meeting in Zagreb of the Informal Consultative Working Group on the Establishment of Information Centres in the Former Yugoslavia. The goal of the meeting was to further discuss the establishment of information and documentation centres across the region, as well as access to the Tribunal's judicial archives.

4. Judicial activity

18. By virtue of the powers vested in him by the statute, the Rules, and the Practice Directions of the Tribunal, the President issued numerous orders assigning cases to Chambers and reviewed several decisions of the Registrar. The President also granted two requests for pardon, commutation of sentence, and early release of persons convicted by the Tribunal, and rejected seven such applications.

B. Bureau

19. Pursuant to rule 23 of the Rules, the Bureau is composed of the President, the Vice-President and the Presiding Judges of the Trial Chambers. The President consulted the Bureau on requests for pardon, commutation of sentence, and early release of convicted persons serving their sentences.

C. Coordination Council

20. Pursuant to rule 23 bis of the Rules, the Coordination Council consists of the President, the Prosecutor and the Registrar. During the reporting period, the Council met to discuss, inter alia, staff retention, capacity-building and legacy activities, and the Tribunal's contribution to the creation of and smooth transition to the International Residual Mechanism for Criminal Tribunals.

D. Plenary sessions

21. During the reporting period, the Judges held two regular plenary sessions. At the 39th plenary session, on 8 December 2010, the Judges repealed rule 23 ter, the Management Committee; amended rule 15 ter (C), Reserve Judges; adopted new rules 75 bis, Requests for Assistance of the Tribunal in Obtaining Testimony, and 75 ter, Transfer of Persons for the Purpose of Testimony in Proceedings Not Pending Before the Tribunal; and amended rule 94 (B), Judicial Notice. At the 40th plenary session, on 16 June 2011, the Judges discussed proposed amendments to rules 65, 75 bis and 75 ter.

E. Rules Committee

22. The judicial membership of the Rules Committee comprises Judge Carmel Agius (Chair), President Patrick Robinson, Vice-President O-Gon Kwon, and Judges Alphons Orie and Christoph Flügge. The non-voting members include the Prosecutor, the Registrar and a representative of the Association of Defence Counsel. During the reporting period, the Rules Committee met three times on the

following dates to discuss proposals to the Rules and make recommendations to the Judges: 5 October 2010 and 4 February and 5 April 2011.

III. Activity of Chambers

A. Composition of the Chambers

23. The Tribunal currently has 25 Judges from 23 countries. The Chambers are composed of 13 permanent Judges, 2 permanent Judges from the International Criminal Tribunal for Rwanda serving in the Appeals Chamber, and 10 ad litem Judges.

24. The permanent Judges are Patrick Robinson (President, Jamaica), O-Gon Kwon (Vice-President, Republic of Korea), Christoph Flügge (Germany), Alphons Orie (Netherlands), Fausto Pocar (Italy), Liu Daqun (China), Theodor Meron (United States of America), Carmel Agius (Malta), Jean-Claude Antonetti (France), Bakone Justice Moloto (South Africa), Burton Hall (Bahamas), Howard Morrison (United Kingdom of Great Britain and Northern Ireland), and Guy Delvoie (Belgium). The permanent Judges from the Tribunal serving in the Appeals Chamber are Mehmet Güney (Turkey) and Andrésia Vaz (Senegal). Judge Kevin Parker (Australia) also served as a permanent Judge during the reporting period, but resigned from the Tribunal on 28 February 2011.

25. During the reporting period, the following have served as ad litem Judges: Árpád Prandler (Hungary), Stefan Trechsel (Switzerland), Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo), Frederik Harhoff (Denmark), Flavia Lattanzi (Italy), Pedro David (Argentina), Michèle Picard (France), Elizabeth Gwaunza (Zimbabwe), Melville Baird (Trinidad and Tobago) and Prisca Matimba Nyambe (Zambia). Judge Uldis Ķinis (Latvia) also served as an ad litem Judge during the reporting period, but resigned from the Tribunal on 18 April 2011.

26. The following Judges served in the Trial Chambers during the reporting period: Judges Kwon (presiding), Parker (presiding), Flügge (presiding), Orie (presiding), Antonetti (presiding), Moloto (presiding), Hall (presiding), Morrison, Delvoie, Prandler, Trechsel, Mindua, Harhoff, Lattanzi, David, Picard, Ķinis, Gwaunza, Baird and Nyambe.

27. The Appeals Chamber is composed of Judges Robinson (presiding), Güney, Pocar, Liu, Vaz, Meron and Agius.

B. Principal activity of the Trial Chambers

1. Trial Chamber I

(a) Pretrial

Mladić

28. Ratko Mladić was arrested on 26 May 2011 and transferred to the seat of the Tribunal on 31 May 2011. The initial appearance was held before Judges Orie (presiding), Flügge and Moloto on 3 June. The accused did not enter a plea at that time. A further appearance was held on 4 July, at which the Presiding Judge entered a plea of not guilty on the accused's behalf.

(b) Trial

Gotovina, Čermak and Markač

29. The Judgement was rendered on 15 April 2011. The Trial Chamber convicted Ante Gotovina and Mladen Markač on eight counts of crimes against humanity and violations of the laws or customs of war and sentenced them to 24 and 18 years' imprisonment, respectively. The Trial Chamber acquitted Ivan Čermak on all counts.

Perišić

30. Momčilo Perišić is charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Sarajevo and Srebrenica (Bosnia and Herzegovina), as well as in Zagreb (Croatia) between August 1993 and November 1995. The Trial Chamber is composed of Judges Moloto (presiding), David and Picard. The trial commenced on 2 October 2008. The Prosecution concluded its case on 25 January 2010. The Defence started its case on 22 February 2010 and concluded its case on 11 January 2011. Final briefs were filed on 4 March 2011, and final arguments were heard on 28 March 2011. The case is currently in Judgement drafting.

J. Stanišić and Simatović

31. Jovica Stanišić and Franko Simatović are charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Croatia and Bosnia and Herzegovina between April 1991 and December 1995. The Trial Chamber is composed of Judges Orie (presiding), Picard and Gwaunza. The trial commenced on 28 April 2008, but was adjourned by order of the Appeals Chamber of 16 May 2008 because of the health of Stanišić. The trial recommenced on 2 June 2009. The Prosecution concluded its case on 5 April 2011. The Stanišić Defence started its case on 14 June 2011.

(c) Contempt

Kabashi

32. On 5 June 2007, the Trial Chamber issued an order in lieu of indictment against Shefqet Kabashi. On 11 December 2007, the Trial Chamber referred the case to the Prosecution to further investigate and prosecute the matter. On 18 February 2008, the Trial Chamber granted the Prosecution leave to amend the indictment. No trial has started since the accused is at large.

2. Trial Chamber II

(a) Pretrial

Haradinaj et al. retrial

33. On 21 July 2010, the Appeals Chamber granted the Prosecution's request for a reversal of the Trial Chamber's decision to acquit Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj on certain counts in the indictment and ordered a partial retrial of the case. The retrial indictment, as confirmed by the Appeals Chamber, charges the accused with six counts of war crimes committed in Kosovo in 1998. The Trial Chamber is composed of Judges Moloto (presiding), Hall and Delvoie. The retrial is scheduled to commence on 18 August 2011.

Hadžić

34. Goran Hadžić was arrested on 20 July 2011 and transferred to the seat of the Tribunal on 22 July 2011. On 21 July 2011, the President of the Tribunal had assigned the case to a bench consisting of Judge Delvoie (presiding), Hall and Mindua. On 25 July 2011, the initial appearance was held. The case is in the very early stages of pretrial preparation.

(b) Trial

Đorđević

35. Vlastimir Đorđević was charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Kosovo in 1999. Đorđević was arrested on 17 June 2007, and the trial commenced on 27 January 2009. The Trial Chamber, composed of Judges Parker (presiding), Flügge and Baird, issued its Judgement on 23 February 2011. It found Đorđević guilty of five counts of crimes against humanity and violations of the laws or customs of war committed through his participation in a joint criminal enterprise and for having aided and abetted the murder of 724 Kosovo Albanians, specifically named in the schedule to the Judgement, the deportation and forcible transfer of hundreds of thousands of Kosovo Albanians from more than 60 locations listed in the Judgement, and the destruction of Kosovo Albanian religious and cultural property. The Chamber sentenced the accused to 27 years' imprisonment.

M. Stanišić and Župljanin

36. Mićo Stanišić and Stojan Župljanin are both charged with 10 counts of crimes against humanity and violations of the laws or customs of war allegedly committed in April through December 1992 in Bosnia and Herzegovina. The Trial Chamber is composed of Judges Hall (presiding), Delvoie and Harhoff. Trial commenced on 14 September 2009, and the Prosecution closed its case on 2 February 2011. The Defence of Mićo Stanišić opened its case on 11 April 2011 and is expected to close shortly, to be followed by the Župljanin defence case.

Tolimir

37. Zdravko Tolimir is charged with genocide, conspiracy to commit genocide, crimes against humanity, and a violation of the laws or customs of war allegedly committed in Bosnia and Herzegovina in 1995. The Trial Chamber is composed of Judges Flügge (presiding), Mindua and Nyambe. The trial commenced on 26 February 2010, and the Prosecution's case-in-chief is now close to completion.

(c) Contempt

Šešelj

38. On 3 February 2010, the Trial Chamber issued an order in lieu of indictment charging Vojislav Šešelj with contempt for having disclosed in a book information which may identify 11 protected witnesses in violation of orders of a Chamber. The trial proceedings began on 22 February 2011 and ended on 8 June 2011. The Judgement is being prepared.

Šešelj

39. On 9 May 2011, the Trial Chamber issued an order in lieu of indictment charging Vojislav Šešelj with contempt for failing to remove from his website confidential information in violation of an order of a Chamber. The Chamber will prosecute the matter itself. The initial appearance was held on 6 July 2011.

3. Trial Chamber III

(a) Pretrial

40. There are no pretrial cases pending before Trial Chamber III.

(b) Trial

Karadžić

41. Radovan Karadžić is charged under 11 counts with genocide, crimes against humanity, and violations of the laws or customs of war allegedly committed in Bosnia and Herzegovina between 1992 and 1995. The Trial Chamber is composed of Judges Kwon (presiding), Morrison, Baird and Lattanzi (reserve). The trial commenced on 26 October 2009. The case is currently hearing the Prosecution's case-in-chief.

Šešelj

42. Vojislav Šešelj is charged with crimes against humanity and violations of the laws or customs of war allegedly committed in Croatia, Bosnia and Herzegovina, and Vojvodina (Serbia) between August 1991 and September 1993. The Trial Chamber is composed of Judges Antonetti (presiding), Harhoff and Lattanzi. The trial started anew on 7 November 2007, but then was adjourned on 11 February 2009. The trial resumed on 12 January 2010. After the close of the Prosecution's case-in-chief, the Trial Chamber on 4 May 2011 ruled under rule 98 bis that there was enough evidence to support the counts alleged in the indictment. On 9 June 2011, the Trial Chamber ordered the accused to file the lists of witnesses he intends to call and exhibits he intends to tender as evidence during his defence case. These are expected to be filed the first week of August 2011, with the defence case expected to start thereafter.

Prlić et al.

43. Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić are charged with grave breaches of the Geneva Conventions, crimes against humanity, and violations of the laws or customs of war allegedly committed between November 1991 and April 1994 in Bosnia and Herzegovina. The Trial Chamber is composed of Judges Antonetti (presiding), Prandler, Trechsel and Mindua (reserve). The trial commenced on 26 April 2006, and the defence case was completed in May 2010. On 7 January 2011, the parties filed their final briefs. The presentation of closing arguments began on 7 February and ended on 2 March 2011. The Judgement is being prepared.

(c) Contempt

Rašić

44. Jelena Rašić, a former member of the Milan Lukić defence team, is charged with contempt of the Tribunal for allegedly procuring false statements in exchange for money from three persons to be called as witnesses for the Milan Lukić defence in *Prosecutor v. Milan Lukić and Sredoje Lukić* (Case No. IT-98-32/1-T). The Trial Chamber is composed of Judges Morrison (presiding), Hall and Delvoie. On 22 September 2010, Rašić pleaded not guilty on all counts of the indictment. The trial is expected to be held in early autumn 2011.

4. Rule 11 bis Referral Bench

45. The Rule 11 bis Referral Bench has transferred all low- and mid-level accused from its trial docket in accordance with Security Council resolution 1503 (2003).

5. Rule 75 (H) Bench

46. The Rule 75 (H) Bench, composed of Judges Moloto (presiding), Flügge and Morrison, continued to function in an efficient manner, rendering 23 decisions during the reporting period on requests under rule 75 (G) and (H) for confidential information for use in national proceedings and under rule 75 bis for persons under the authority of the Tribunal to testify in national proceedings.

C. Principal activity of the Appeals Chamber

Interlocutory appeals

47. Thirteen decisions on interlocutory appeals were issued in the following cases: *Haradinaj et al.* (4); *Prlić et al.* (3); *Stanišić and Simatović* (2); *Gotovina et al.* (1); *Šešelj* (1); and *Stanišić and Župljanin* (2).

Contempt appeals

48. One contempt appeal Judgement was rendered in the *Hartmann* case.

Appeals on the merits

49. The Appeals Chamber did not render any final Judgements during the reporting period.

50. There are three appeals — *Šainović et al., Lukić and Lukić*, and *Popović et al.* — currently pending before the Appeals Chamber from previous reporting periods, and two new appeals from Judgements were filed before the Appeals Chamber in the *Đorđević* and *Gotovina and Markač* cases. Pre-appeal activity is ongoing in these cases.

51. A total of 75 pre-appeal decisions and orders were issued during the reporting period.

Review

52. The Appeals Chamber rendered a Judgement on review in the *Šljivančanin* case.

Other appeals

53. The Appeals Chamber rendered one decision in the *Borovčanin* case.

IV. Activity of the Office of the Prosecutor

A. Completion of trials and appeals

54. During the reporting period, significant advances were made in establishing accountability for the crimes committed during the wars in the former Yugoslavia. Foremost among them were the arrests of Ratko Mladić on 26 May 2011 and Goran Hadžić on 20 July 2011. Ratko Mladić had evaded for 16 years capture and transfer to The Hague. Goran Hadžić was a fugitive of justice for seven years. Both were the last fugitives remaining at large out of the 161 persons indicted by the Tribunal. The Prosecution expressed its commitment to moving ahead expeditiously with the trials.

55. During the reporting period, the Prosecution finalized a large component of its trial work. By the end of the period, the presentation of the Prosecution's case-in-chief had been completed in all but four cases (*Mladić*, *Karadžić*, *Tolimir*, and the *Haradinaj et al.* retrial). Three cases were in the defence phase of the proceedings (*Šešelj*, *(Jovica) Stanišić and Simatović*, and *(Mićo) Stanišić and Župljanin*), and two cases had concluded and were awaiting Judgement (*Prlić et al.* and *Perišić*). That progress was achieved notwithstanding problematic rates of staff attrition in the Office of the Prosecutor, which has left remaining staff to shoulder unsustainably heavy burdens. The Prosecutor expressed concern that staffing difficulties would likely escalate in the next reporting period given the absence of incentives for staff to remain.

56. The Office of the Prosecutor began shifting the focus of its attention and resources to the appeals phase of proceedings to ensure that it is effectively positioned to deal with the upcoming appellate caseload. By the end of the reporting period, there were five cases on appeal (*Šainović et al.*, *Lukić and Lukić*, *Popović et al.*, *Đorđević*, and *Gotovina and Markač*). The Appeals Division also absorbed work arising out of the *Haradinaj et al.* retrial and the *Rašić* contempt trial.

57. The multiple contempt proceedings ongoing before the Tribunal, particularly those concerning the *Šešelj* case, continued to generate a significant amount of additional work for the Office of the Prosecutor. Šešelj's lack of compliance with court orders required continuous monitoring to ensure the protection of witnesses, constituted a drain on the Tribunal's resources, and presented a challenge for the Tribunal's effective functioning.

58. The Office of the Prosecutor worked at full capacity to finalize the remaining trials and appeals. The Prosecution continuously re-evaluated its working methods to identify ways to further expedite the proceedings. A consistent methodology was applied across all cases for streamlining the presentation of evidence in court. That methodology focused on narrowing the issues in dispute with defence teams as much as possible and presenting evidence in written form. Efficient use was made of key evidence contained in the wartime notebooks and associated tapes of Ratko Mladić, which were located by the Serbian authorities in February 2010. The Office

of the Prosecutor established a task force to uniformly and expeditiously handle all issues related to the Mladić materials.

59. With the completion of trial activities, the Office of the Prosecutor abolished corresponding posts and proceeded with downsizing the Office. At the same time, preparations began for the transition of functions to the International Residual Mechanism for Criminal Tribunals in accordance with Security Council resolution 1966 (2010).

B. Cooperation

1. International cooperation

60. The Office of the Prosecutor continued to depend on the full cooperation of States to fulfil its mandate. The cooperation of the States of the former Yugoslavia remained especially vital in the areas of (a) access to archives, documents and witnesses; (b) the protection of witnesses; and (c) efforts to locate, arrest and transfer the remaining fugitive as well as taking measures against those who have supported fugitives from the Tribunal.

2. Cooperation of Serbia

61. With the arrest of Ratko Mladić on 26 May 2011 and his transfer to the Tribunal on 31 May 2011 and the arrest of Goran Hadžić on 20 July 2011 and his transfer on 22 July 2011, Serbia met a key obligation towards the Tribunal. The Office of the Prosecutor acknowledged the important work done by the Serbian authorities who brought about the arrests, particularly the National Security Council, the Action Team established to track the fugitives, and the operatives from the security services. With those arrests, the Prosecutor recognized Serbia's genuine commitment to cooperating with the Tribunal. He also encouraged Serbia to provide information on how the fugitives were able to evade justice for so long and help the public to understand why they must stand trial.

62. Prior to Mladić's arrest, the Prosecutor had strongly encouraged Serbia to critically reassess its failing strategy for apprehending the fugitives. He urged Serbia to address all operational shortcomings and to widen the scope of the investigation. Certain recommendations were implemented, which contributed to the arrests of Mladić and Hadžić.

63. The Government of Serbia was further asked to intensify action against individuals in the networks that have supported fugitives from the Tribunal, including Mladić and Hadžić. The Prosecutor welcomed Serbia's statement that it would investigate and prosecute the networks that supported Ratko Mladić during his time in hiding. On 10 May 2011, the War Crimes Department of Belgrade's High Court accepted guilty pleas from six people who helped Stojan Župljanin while he was a fugitive from the Tribunal. Aside from that, action taken against individuals accused of helping the fugitives yielded few results.

64. Concerning the Tribunal's ongoing cases, Serbia's responses to the requests of the Office of the Prosecutor for access to documents, archives and witnesses were generally timely and adequate. Serbia's National Council for Cooperation continued to improve cooperation among different government bodies handling requests from the Office of the Prosecutor. The Council facilitated Prosecution requests to

reclassify Supreme Defence Council documents in the *Perišić* case as public documents. As a result, in March 2011, the Prosecutor informed the *Perišić* Trial Chamber that the Supreme Defence Council documents could be made public. The Office of the Prosecutor will continue to seek the assistance of Serbia in providing access to government documents and archives and facilitating the access of witnesses during trials and appeals.

3. Cooperation of Croatia

65. During the reporting period, Croatia was generally responsive to requests made by the Office of the Prosecutor. However, the Office's long-standing request for important military documents relating to Operation Storm — requested for the *Gotovina et al.* case — remained outstanding. The inter-agency task force established in October 2009 to locate or account for the missing documents continued its administrative investigation. During the reporting period, the Prosecutor asked Croatia to address a number of inconsistencies and questions in connection with the Task Force's findings, which remained unresolved.

66. On 15 April 2011, the Trial Chamber rendered its Judgement in *Gotovina et al.* and found Gotovina and Markač guilty of crimes based on the evidence submitted at trial. The Prosecutor expressed disappointment that, in the aftermath of the Judgement, the highest State officials had failed to comment objectively on the outcome of the case.

4. Cooperation of Bosnia and Herzegovina

67. During the reporting period, the authorities of Bosnia and Herzegovina responded promptly and adequately to requests for documents as well as access to archives and witnesses.

68. The authorities of Bosnia and Herzegovina were asked to step up efforts against fugitive networks.

69. Throughout the reporting period, the Office of the Prosecutor continued to support the work of the State Prosecutor and the Special Department for War Crimes in processing cases and investigative files transferred by the Tribunal. However, structural difficulties impeded the implementation of the National War Crimes Strategy. Political initiatives in Bosnia and Herzegovina that sought to undermine the work of the State Prosecutor's Office and the State War Crimes Court were of deep concern.

5. Cooperation between States of the former Yugoslavia in judicial matters

70. Cooperation in judicial matters between the States of the former Yugoslavia remained critical to completing the Tribunal's mandate. Judicial institutions in the former Yugoslavia continued to face challenges in coordinating their activities, which in turn imperilled the rule of law and reconciliation in the region. There were some improvements in war crimes information and evidence-sharing between prosecutors in Bosnia and Herzegovina, Croatia and Serbia. However, legal barriers to the extradition of suspects and the transfer of evidence across State borders, as well as parallel investigations, continued to obstruct effective proceedings. While regional prosecutors expressed a commitment to addressing the problem of parallel

investigations, the Prosecutor called for urgent action at the political and operational levels as well.

6. Cooperation of other States and organizations

71. The Office of the Prosecutor continued to rely on States and international organizations to provide documents, information and witnesses for trials and appeals.

72. The Office of the Prosecutor expressed appreciation for the support of States as well as international and regional organizations, such as the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union. The arrest of Ratko Mladić underscored the potential of conditionality policies to promote positive outcomes for international justice. The support of non-governmental organizations, including those active in the former Yugoslavia, continued to facilitate the work of the Office.

C. Transfer of cases and investigative files

73. All cases transferred from the Tribunal to Bosnia and Herzegovina and Croatia pursuant to rule 11 bis have been finalized. The Judgement in the last of these cases — against Milorad Trbić, who was convicted of genocide and sentenced to 30 years' imprisonment — was confirmed on appeal on 14 January 2011.

74. The *Kovačević* case, which was transferred from the Tribunal to Serbia, remained suspended owing to the ill health of the accused. There was no indication of when, or if, the accused would be fit to stand trial. The Office of the Prosecutor continued to monitor the situation.

75. The fact that convicted war criminal Radovan Stanković (transferred from the Tribunal to Bosnia and Herzegovina pursuant to rule 11 bis) remains at large almost four years after he escaped from prison in Foča was identified as a serious concern. The Prosecutor encouraged the authorities of Bosnia and Herzegovina, as well as neighbouring States, particularly Serbia, to take all necessary steps to capture Stanković and to sanction those who facilitated his escape.

D. Supporting national prosecutions

76. The Office of the Prosecutor continued to work actively on strengthening the capacity of national authorities to handle the remaining war crimes cases effectively. To that end, the Office engaged in ongoing dialogue with its counterparts throughout the former Yugoslavia. It also supported training, the development of best practices, and information exchanges.

77. During the reporting period, the Office of the Prosecutor continued to support national prosecutions by facilitating access to investigative material and evidence from Tribunal case files as well as its database in The Hague. In addition, the "liaison prosecutors" project funded by the European Union was a key mechanism for strengthening working relationships between the State Prosecutor's Offices in Bosnia and Herzegovina and Croatia and the War Crimes Prosecutor's Office in Serbia.

V. Activity of the Registry

78. During the reporting period, the Registry continued to discharge its statutory responsibilities by providing operational support to the Chambers and the Office of the Prosecutor, assisting the defence, and providing diplomatic and administrative support for the Tribunal.

A. Office of the Registrar

79. The Immediate Office of the Registrar assisted the Registrar and the Deputy Registrar in formulating the strategic direction for the Judicial Support Services and the Division of Administration, and in coordinating and supervising their work. It supported the Registrar in his role as focal point for diplomatic relations, and maintained contact with embassies, Member States, the United Nations and other international organizations. That included relations with the host State. The Office also negotiated agreements for the enforcement of the Tribunal's sentences with States, thereby ensuring that persons convicted by the Tribunal were transferred to serve their sentences. Focused efforts were made to raise the awareness of Member States regarding the current lack of sufficient enforcement capacity and the ensuing risk to a successful completion of the Tribunal's mandate.

80. Following the adoption of Security Council resolution 1966 (2010), in which the Council established the International Residual Mechanism for Criminal Tribunals, the Immediate Office of the Registrar has been heavily involved in the practical arrangements necessary for the commencement of the Mechanism's operations. Under the direction of the Office of Legal Affairs, the two International Tribunals worked jointly to develop a budget proposal for the biennium 2012-2013, a proposal for an information security and access regime for the archives of the Tribunals and the Mechanism, and the Rules of Procedure and Evidence for the Mechanism. The next steps will focus on harmonizing the policies, procedures and operations of the two Tribunals in order to ensure that the Mechanism is able to commence its work on 1 July 2012.

81. The Tribunal's Communications Service managed major media events, such as the arrest of Ratko Mladić, which brought about increased interest from the media, victims, diplomatic community, academics and the general public.

82. Outreach and communication with audiences in the former Yugoslavia is one of the Registry's strategic priorities for the current biennium. Since the end of 2010, the outreach programme has been implementing a new strategy that focuses on promoting the Tribunal's achievements and its positive legacy through a wide range of events. In the past year, the programme has coordinated more than 20 visits from the region, including more than 400 visitors and 230 international group visits (comprising more than 5,700 visitors), and has participated in and organized 35 conferences and events across the region. The focus on engaging young people continued with a round of presentations in 13 Kosovo high schools involving more than 680 students. The outreach programme produced and distributed a publication entitled "Assessing the Legacy of the ICTY" in languages of the region. The programme furthermore expanded its reach to the region and international audiences through the Tribunal's official accounts on YouTube and Twitter. The popularity of these sites has been confirmed with over 2,000 followers on Twitter and over 300,000 views on YouTube, of which almost half come from the region. The

Tribunal depends upon external funding in order to implement its outreach programme. A munificent contribution from the European Commission for the next biennium has ensured the continued existence of the outreach programme, and Finland has already generously supported youth education projects. The Tribunal also notes the generous support and cooperation of the Mission to Serbia of the Organization for Security and Cooperation in Europe. Pursuant to General Assembly resolution 65/253, adopted on 24 December 2010, in which the Assembly reiterated the importance of carrying out an effective outreach programme and encouraged the Secretary-General to continue to explore measures to raise adequate voluntary resources, the Tribunal will be approaching Member States and other donors in the coming months for more support.

83. The Tribunal's website continued to be a key strategic communications tool. The month of May 2011 was a record breaker for the Tribunal's website — with 400,000 page views, the site's highest ever monthly total since its launch in 2008. The internal communication portal Tribunet was further developed as a reference platform on all issues related to the completion strategy and staff downsizing.

B. Judicial support services sections

84. In the reporting period, the Court Management and Support Services Section supported 10 cases at trial (including the *Haradinaj et al.* retrial and the *Mladić* and *Hadžić* cases, which are currently in the pre-trial phase), five cases on appeal, and four contempt cases. It provided Court Officer support for seven videoconference links, nine rule 92 bis missions, and three site visits. The Section also provided support through its Pro Se Legal Liaison Officers for three self-representing accused, facilitating solutions to issues arising in the course of the proceedings. The Court Records Assistants, Court Officers and Court Ushers processed 6,922 filings (approximately 92,000 pages) submitted by parties and others in proceedings before the Tribunal.

85. The Conference and Language Services Section continued to provide interpretation, translation, and court reporting services for all the organs of the Tribunal. The Translation Units translated approximately 66,000 pages into English, French, Bosnian/Croatian/Serbian, Albanian and Macedonian. The Interpretation Unit registered approximately 4,500 conference interpreter days. The Court Reporting Services produced over 88,000 pages of transcript. Interpretation services were also provided for official meetings, witness proofing sessions, and missions away from the seat of the Tribunal, including in the region.

86. The Victims and Witnesses Section consists of three main units. The Section's Operations and Support Units assisted 494 witnesses, and accompanying support persons, travelling to The Hague to give evidence. The Protection Unit coordinated professional responses to an increased number of threats to witnesses before, during and after their appearances to give evidence in Tribunal proceedings. Under appropriate circumstances, the Protection Unit worked to relocate protected witnesses.

87. The Office for Legal Aid and Detention Matters continued to manage the legal aid system of the Tribunal in serving over 470 defence team members, thereby ensuring that the accused's right to counsel was respected. The majority of accused who are in the Tribunal's custody receive legal aid. The Office managed facilities granted to defence team members of all cases tried at the Tribunal; of those cases,

60 per cent were of the highest complexity level. The Office continued to ensure the rights of the accused by responding to complaints and concerns of detainees held at the United Nations Detention Unit, processing visits to the Unit and acting as a liaison between defence counsel and the Tribunal. The Office provided facilities to self-represented accused in cooperation with the *Pro Se* Legal Liaison Office and the United Nations Detention Unit and managed the assignment of amicus curiae investigators and prosecutors and the resources provided thereto.

88. The United Nations Detention Unit continued to provide security and care to the 37 detainees under the authority of the Tribunal. Many of the detainees required medical care, including specialist medical care. The Unit facilitated the detainees' presence at court hearings, whether in person or through videoconference link. It facilitated a large number of requests for provisional releases of various durations, as ordered by the Chambers. It facilitated the right of accused persons to self-represent by providing extra storage and office space to self-representing accused, granting computer and database access suited to a detention environment, and allowing for witness interviews and proofing in exceptional circumstances. The Unit accommodated detained witnesses and detainees charged with contempt of the Tribunal, and it facilitated contact between detainees and the media, where appropriate.

C. Division of Administration

89. By resolution 65/253, the General Assembly, having considered the reports of the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions on the revised estimates under the budget for the biennium 2010-2011, decided to appropriate to the Special Account for the Tribunal a total amount of $320,511,800 gross ($290,087,500 net) for the biennium 2010-2011.

90. During the biennium 2010-2011, extrabudgetary resources are estimated at $3,319,900 to be utilized for a variety of Tribunal activities. As of 15 June 2011, cash donations of approximately $48.9 million had been received for the Voluntary Fund to support the activities of the Tribunal. For the period from 15 June 2010 to 15 June 2011, the Tribunal received and administered $2,393,376 in voluntary cash contributions.

91. The Division of Administration remained actively engaged in the implementation of the downsizing and comparative review process, which was formulated in consultation with staff representatives. During the biennium 2010-2011, the Tribunal downsized 170 posts. The Division of Administration is currently working closely with staff representatives in the implementation of the second comparative review exercise.

92. The Division of Administration coordinated the preparation of the revised estimates for the biennium 2010-2011 and the proposed budget for the biennium 2012-2013. The Division was heavily involved in the formulation of the first budget of the International Residual Mechanism for Criminal Tribunals. Following the closure of one of the three office buildings in The Hague, the Division of Administration finalized an office space allocation master plan in order to ensure the smooth relocation of personnel and archives to the remaining two buildings of the Tribunal.